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General Assembly
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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-seventh year

Identical letters dated 4 May 2012 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

The situation in the Occupied Palestinian Territory, including East Jerusalem, continues to deteriorate and tensions continue to rise as a result of provocations and illegal actions by Israel, the occupying Power, against the Palestinian people. Of grave concern in particular at this time is the precarious condition of Palestinian prisoners in Israeli jails and detention centres, among whom thousands have been on prolonged hunger strike.

As we informed in earlier letters, thousands of Palestinians joined a massive prisoner strike that was launched on 17 April, which is commemorated annually by Palestinians as a day of solidarity with our prisoners held captive in Israeli jails and detention centres. Currently, thousands of Palestinian prisoners are partaking in this non-violent, peaceful protest of the deplorable conditions under which they are being held by the occupying Power. They are protesting Israel's malicious treatment of Palestinian civilians arrested and detained, including the practice of "administrative detention", by which more than 300 Palestinians are being held without charge and without trial, some of them for many years now. They are also protesting, among other practices, Israel's inhumane imposition of solitary confinement, severe restrictions on family visitation to the prisoners and restrictions on access to education.

The lives of several of the Palestinian prisoners who have been on hunger strike for the past 59 to 67 days are now at risk. A total of 10 prisoners at the "Ramleh prison" are experiencing serious health conditions requiring medical care and have been transferred to the prison hospital, with two of them — Bilal Diab, age 27, from the Jenin area, and Thaer Halahla, age 33, from Al-Khalil (Hebron) area — in grave condition. Both Diab and Halahla, who are being held under administrative detention by Israel without any charge, have been on hunger strike since 29 February and are suffering from life-threatening conditions, including severe weight loss, nerve damage, dehydration, decreased muscle tone and low blood pressure, as they continue appealing for their release.

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Regrettably, Israel has yet to respond to the prisoners' long-standing calls to cease its unlawful practices and in particular to cease the use of administrative detention to hold Palestinian civilians captive. In addition, Israel continues daily to arrest Palestinians throughout the West Bank, including dozens of arrests in East Jerusalem, adding to the thousands already in its prisons, in grave violation of international humanitarian law and human rights law. Estimates are that more than 2,000 Palestinians have been arrested by the occupying Power since the "prisoner exchange" in October 2011 alone, including some of those released in that exchange. The Israeli occupying forces also continue to use excessive force against the Palestinian people protesting this inhumane policy, attacking one group of student demonstrators this week near the "Ofer" detention centre with tear gas canisters and rubber bullets, injuring at least 20 Palestinians.

Israel, the occupying Power, must be held accountable for its ill treatment and violation of the thousands of Palestinian civilians, including children, imprisoned in its jails and detention centres. Israel is responsible for the well-being of those prisoners, including the 2,000 on hunger strike. Israel, the occupying Power, cannot be allowed to remain immune from the provisions of international humanitarian and human rights law governing such situations. The international community, including the Security Council, has a clear responsibility to hold Israel accountable for the deliberate and systematic breaches of its legal obligations in this regard. If the occupying Power continues to reject the demands for respect of international law, then measures must be undertaken in response, aimed at ensuring an end to the violations and ensuring that the rule of law prevails.

In this regard, we must also draw your attention to the continuing calls by the Palestinian people and their leadership for accountability by Israel, the occupying Power, for the crimes committed against our people in the Gaza Strip, in particular during the December 2008-January 2009 Israeli military aggression. In particular, we are compelled to underscore our outrage at the recent decision by Israel to close without any charges a military investigation of those responsible for the killing of 21 members of one Palestinian family, the Samouni family, who were slaughtered by the Israeli occupying forces on 5 January 2009.

Here, it must be recalled that, on 4 January, the Samouni family members were ordered by Israeli commanders to leave their three-storey home, which was overtaken by the occupying forces as an outpost, and were directed to shelter in a home across the road in Al-Zeitoun neighbourhood of Gaza City. The following day an Israeli commander ordered an aerial strike of the home in which the family, including infants, children, women, men and elderly, was known to be sheltering. That Israeli attack killed 21 members of the Samouni family, including three babies and six children, and at least 40 other people were wounded, some surviving for three days amidst the corpses and rubble of the destroyed home until the occupying forces finally allowed emergency medical services to access the home. In this regard, it must also be recalled that this crime was detailed in the report of the United Nations Fact-Finding Mission on the Gaza Conflict (the Goldstone report) and is among the many crimes committed by Israel, the occupying Power, against the Palestinian people, for which justice remains elusive.

It is deplorable and absolutely unacceptable that such a deliberate massacre of innocent civilians is perpetrated and no one is held responsible for such criminal actions, which clearly constitute war crimes. We continue to demand that the perpetrators of this heinous crime be held accountable. The dismissal of this case without any prosecutions for the crimes committed is further proof of the

inadequacy of the occupying Power's investigations, carried out by the military itself, which has repeatedly absolved itself of any responsibility for illegal actions, serving simultaneously as the criminal, judge and jury. The international community has a clear responsibility in this regard, in accordance with the relevant United Nations resolutions, to undertake serious follow-up of this matter to bring an end to such repugnant Israeli impunity. This requires action to ensure accountability for the crimes perpetrated during the Israeli military aggression against the Gaza Strip in 2008-2009 and to ultimately ensure justice for the victims.

In closing, I regret to also have to bring to your attention the critical issue of Israel's ongoing illegal settlement campaign throughout the Occupied Palestinian Territory, including East Jerusalem. Tensions continue to rise as Israel continues to construct settlements and the Wall, to allow extremist settlers to continue their rampage against Palestinian civilians and properties, and to repeatedly brazenly pronounce its plans to continue this illegal and destructive campaign, proving in word and deed its selection of colonization over the path of peace. Just this week, Israel declared once again intentions to continue illegally colonizing Occupied East Jerusalem as it announced, on 1 May, the decision to move forward with the construction of nine hotels, consisting of 1,100 units, in the planned illegal settlement of "Givat Hamatos" in the south-eastern part of the City. Such provocative and illegal actions are further proof of Israel's efforts to continue the land grab, to continue its expansionist agenda and to continue creating as many illegal facts as possible on the ground in the Occupied Palestinian Territory, in total contradiction to the two-State solution on the basis of the pre-1967 borders. Indeed, the two-State solution is being obliterated by such illegal acts of colonization.

We thus renew our call on the international community, and particularly the Security Council, to act forthwith to uphold their duties and the relevant provisions of international law. Serious collective measures must be undertaken to hold Israel accountable for these ongoing violations of international law, United Nations resolutions and its road map obligations and to demand that the occupying Power immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including in and around East Jerusalem.

The present letter is in follow-up to our previous 425 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 25 April 2012 (A/ES-10/553-S/2012/263), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations